

TO: Rule 123 Data Dissemination Committee

FROM: Supreme Court's Commission on Victims in the Court, Chair Ron Reinstein

RE: Comments on Proposed Rule change to Supreme Court Rule 123

The Commission on Victims in the Courts respectfully submits the following comments for inclusion in the final draft of this proposed rule. These changes are intended to provide equal protection to juvenile and adult victims of all sexual offenses.

- **Section (g) (1) (B) (ii) (h):** “The complete case record in criminal cases in which a juvenile PERSON is alleged to be the victim of ~~sexual assault, include ARS §§ 13-1403, 13-3201 and 13-3552.~~ ANY OFFENSE LISTED IN A.R.S. TITLE 13, CHAPTERS 14 AND 35.1. The prosecuting agency, upon filing a charging document, shall advise the clerk that the case is subject to this provision.

Upon motion by a party, by any person, or upon the court's own motion, and for good cause shown, the court in which such action is pending, may issue an order to allow remote electronic access to members of the public, as provided in this section, to any case in which a ~~juvenile~~ PERSON is alleged to be the victim under (B) (ii) (h). The order may include any appropriate provision required to protect the ~~juvenile~~ PERSON from embarrassment or oppression. The burden of showing good cause for an order shall remain with the person seeking remote electronic access to the case record. Irrespective of an order limiting electronic access under this subsection, the clerk shall provide non-registered users remote electronic access as set forth in section (C) (ii) herein when the court generally provides such non-registered access in other cases.

- **Section (g) (1) (C)(I):** “The following data elements in closed cases, juvenile delinquency; mental health; probate and criminal cases in which a ~~juvenile~~ PERSON is alleged to be the victim, as identified in section(g) (1)(B)(ii)(h) above:
- **Section (g) (1) (C) (ii):** Please re-evaluate this section to ensure victim information is not included and that this provision is only limited to official parties of the case; otherwise, it appears that sensitive victim information (month and year of birth, residential city, state and zip code) may be released.
- **Arizona Rules of Criminal Procedure, Rule 2.3 Content of Complaint:**
(B) “Upon filing a charging document in a criminal cases, in which a juvenile PERSON is alleged to be the victim of ~~sexual assault, include ARS §§ 13-1403, 13-3201 and 13-3552.~~ ANY OFFENSE LISTED IN A.R.S. TITLE 13, CHAPTERS 14 AND 35.1. the prosecuting agency shall advise the clerk that the case is subject to the provisions of Rules of the Supreme Court of Arizona, Rule 123 (g)(2)(B)(ii)(h).